



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

Customer Assistance

Alan V. Sare,

Petitioner,

V.

Public Service Electric and
Gas Company, Inc.,

Respondent.

ORDER REMANDING
INITIAL DECISION

BPU Docket No. EC00100759U
OAL Docket No. PUC 1329-01

(SERVICE LIST ATTACHED)

BY THE BOARD:

On September 13, 2000, Alan V. Sare (Petitioner) filed a petition with the Board of Public Utilities (Board), alleging several illegal discontinuations of service by Public Service Electric & Gas Company, Inc. (Respondent). On December 27, 2000, the Respondent filed an answer in which it denied that the discontinuations of service were illegal.

On January 5, 2001, the Board transmitted this matter to the Office of Administrative Law (OAL) for determination and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. The matter was assigned to Administrative Law Judge (ALJ) William S. Jeremiah.

On August 26, 2002, ALJ Jeremiah filed his Initial Decision, finding that the Petitioner had reasonable notice that his bills were in arrears and that if he did not pay them, his electricity and gas would be shut off. The ALJ ordered the Petitioner to pay the entire arrears to the Respondent.¹

¹ It should be noted that the Initial Decision contains a typographical error. The correct citations to the relevant regulations are N.J.A.C. 14:3-3.6(c)(3) and (4), not N.J.A.C. 14:3-13.6(c)(3) and (4).

On September 23, 2002, the Petitioner filed exceptions requesting a new hearing. The Petitioner stated that the Initial Decision was filed late, that ALJ Jeremiah issued the Initial Decision after the Petitioner filed a complaint against him, and that there were no findings of fact regarding the allegations that PSE&G violated N.J.A.C. 14:3-3.6(c) and N.J.A.C. 14:3-7.13(c).

The Petitioner claims that PSE&G violated N.J.A.C. 14:3-3.6(c) by neither attempting to make contact with an adult on the premises nor leaving a sealed envelope regarding the disconnection of service. The Petitioner also claims that PSE&G violated N.J.A.C. 14:3-7.13(c) by requiring an excessive minimum down payment as a condition for restoring service.

After review, the Board REMANDS this matter to the OAL so that findings of fact can be made regarding the procedure used by the Respondent in discontinuing Petitioner's service and regarding the Respondent's conditions for restoring Petitioner's service.

DATED: 11/22/02

BOARD OF PUBLIC UTILITIES
BY:

SIGNED

JEANNE M. FOX
PRESIDENT

SIGNED

FREDERICK F. BUTLER
COMMISSIONER

SIGNED

CAROL J. MURPHY
COMMISSIONER

SIGNED

CONNIE O. HUGHES
COMMISSIONER

SIGNED

JACK ALTER
COMMISSIONER

ATTEST: SIGNED

KRISTI IZZO
SECRETARY

Alan Sare v. Public Service Electric & Gas Company, Inc.

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